Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Claim Rejections - 35 USC § 102

Claims 1, 3-19 and 21-24 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,711,432 (*Krause*) and/or by U.S. Patent No. 7,194,295 (*Vilsmeier*). Withdrawal of the rejection is respectfully requested for at least the following reasons.

Amended claim 1 sets forth a method for computer assisted medical navigation, wherein a position of a patient or part of the patient's body is detected with the patient being in a position for treatment. Additionally, without removing the patient from the position for treatment, patient-characteristic, two-dimensional detection data is acquired. Patient specific body structure data then is created using, *inter alia*, the two-dimensional detection data, and the detected position of the patient is assigned to the created patient-specific body structure data. Thus, the method in accordance with the present invention enables not only a patient-specific body structure to be created, but also registration of the body structure data with the patient, thereby saving time.

Krause

Krause discloses a device and method for generating a model of an area of a patient. Specifically, *Krause* provides that a three-dimensional template bone model is graphically projected onto planes to produce a template bone model in a two-dimensional plane to produce a series of two-dimensional pictures of the bone model. The two-dimensional pictures then are compared to X-ray images of the patient's bone, and the three-dimensional template bone model is reshaped such that the two-dimensional projections of the model match the X-ray images, resulting in a three-dimensional bone model of the patient. *Krause* also provides that the patient's bone may be registered to the bone model by using IR tracking devices or an IR marking system. *Krause*, however, has not been found to teach or suggest detecting a position of a patient or a part of the patient's body with the patient being in position for treatment, and without removing the patient from the position for treatment, acquiring patient-characteristic, two-dimensional detection data. Accordingly, *Krause* does not anticipate claim 1.

Vilsmeier

Vilsmeier provides a method for computer assisted medical navigation, wherein a generic model is adapted to a patient to obtain an image data set valid for the patient. More specifically, patient-characteristic data, such as X-ray data, can be used to adapt the generic model to the patient. *Vilsmeier*, however, says nothing with regard to projecting the three-dimensional generic model onto the acquired patient characteristic two-dimensional detection data as set forth in claim 1. Thus, *Vilsmeier* also does not anticipate claim 1.

Accordingly, neither *Krause* nor *Vilsmeier* teach each and every feature of claim 1 and, thus, these references do not anticipate claim 1. Therefore, withdrawal of the rejection of claim 1, and the claims dependent therefrom, is respectfully requested.

Unaddressed issues

The absence in this reply of any comments on the other contentions set forth in the Office Action should not be construed to be an acquiescence therein. Rather, no comment is needed since the rejections should be withdrawn for at least the foregoing reasons.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,
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